United Nations S/2002/539

# Security Council

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## Draft resolution

*The Security Council*,

*Reaffirming* its previous resolutions on the situation in East Timor, in particular resolutions 1272 (1999) of 25 October 1999, 1338 (2001) of 31 January 2001 and 1392 (2002) of 31 January 2002, and the relevant statements of its President, in particular that of 31 October 2001 (S/PRST/2001/32),

*Commending* the courage and vision of the people of East Timor in bringing East Timor to the point of independence by peaceful and democratic means,

*Paying tribute* to the dedication and professionalism of the United Nations Transitional Administration in East Timor (UNTAET) and to the leadership of the Special Representative of the Secretary-General in assisting the people of East Timor in the transition towards independence,

*Reiterating* its welcome for the successful and peaceful election for the Constituent Assembly held on 30 August 2001 and the election for the President held on 14 April 2002,

*Welcoming* the commitment by the elected leaders of East Timor to lead their country in solidarity, welcoming also the steps they have taken so far to establish good relations with neighbouring States, and recognizing the primary responsibility of the people of East Timor for nation building,

*Noting* that the emerging institutions in East Timor remain fragile and that in the period immediately after independence assistance will be required to ensure sustained momentum in the development and strengthening of East Timor's infrastructure, public administration, law enforcement and defence capacities,

*Noting with concern* the assessment of the Secretary-General of the difficulties which have had a negative impact on the effectiveness of the judicial system in East Timor, and calling on all relevant parties to work towards progress in this area,

*Having considered* the report of the Secretary-General of 17 April 2002 (S/2002/432),

*Welcoming* his recommendation that a successor mission to UNTAET be established for a period of two years,

*Taking note also* of the joint letter from the President-elect of East Timor and the Chief Minister of East Timor to the President of the Security Council of 20 April 2002,

02-38696 (E) 170502

*Recalling* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

*Welcoming* the Secretary-General's intention to appoint the Resident Coordinator of the United Nations Development Programme as his deputy Special Representative and underlining the importance of a smooth transition of the United Nations role towards traditional development assistance,

*Welcoming* and encouraging efforts by the United Nations to sensitize international personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

*Recognizing* the importance of a gender perspective in peacekeeping operations,

*Noting* the existence of challenges to the short and long-term security and stability of an independent East Timor and determining that ensuring the security of the boundaries of East Timor and preserving its internal and external stability is necessary for the maintenance of peace and security in the region,

1. *Decides* to establish, as of 20 May 2002 and for an initial period of 12 months, a United Nations Mission of Support in East Timor (UNMISET);

2. *Decides also* that the mandate of UNMISET shall consist of the following elements:

(a) To provide assistance to core administrative structures critical to the viability and political stability of East Timor;

(b) To provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service (ETPS);

(c) To contribute to the maintenance of the external and internal security of East Timor;

3. *Decides* that UNMISET will be headed by a Special Representative of the Secretary-General and will consist of:

(a) A civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a Civilian Support Group of up to 100 personnel filling core functions, a Serious Crimes Unit and a Human Rights Unit;

(b) A civilian police component initially comprised of 1,250 officers;

(c) A military component with an initial strength of up to 5,000 troops including 120 military observers;

4. *Requests* UNMISET to give full effect to the following three Programmes of the Mandate Implementation Plan as set out in section III A 3 of the report of the Secretary-General:

(a) Stability, Democracy and Justice;

(b) Public Security and Law Enforcement;

(c) External Security and Border Control;

5. *Decides* that internationally accepted human rights principles should form an integral part of training and capacity building carried out by UNMISET under operative paragraph 2 of this resolution;

6. *Authorizes* UNMISET, under Chapter VII of the Charter of the United Nations, to take the necessary actions, for the duration of its mandate, to fulfil its mandate, and decides to review this issue and all other aspects of UNMISET'S mandate after 12 months;

7. *Decides* that progress towards achievement of the milestones of the Mandate Implementation Plan should be kept under review and that downsizing of UNMISET should proceed as quickly as possible, after careful assessment of the situation on the ground;

8. *Decides further* that UNMISET will, over a period of two years, fully devolve all operational responsibilities to the East Timorese authorities as soon as is feasible, without jeopardizing stability;

9. *Urges* Member States and international agencies and organizations to provide support as requested by the Secretary-General, in particular in support of the full establishment of the ETPS and the East Timor Defence Force;

10. *Underlines* that further United Nations assistance to East Timor should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other actors from within the international community;

11. *Calls* for the rapid conclusion of and full observance of the agreements and arrangements necessary to give effect to the mandate of UNMISET, including a Status of Forces Agreement, and command and control arrangements which will operate in accordance with standard procedures of the United Nations;

12. *Welcomes* the progress made in resolving pending bilateral issues between Indonesia and East Timor, and stresses the critical importance of cooperation between these two Governments, as well as cooperation with UNMISET, in all aspects, including in implementation of the relevant elements of this and other resolutions, in particular by working together to secure agreement on the issue of border demarcation, by ensuring that those responsible for serious crimes committed in 1999 are brought to justice, by helping ensure repatriation or resettlement of refugees currently in Indonesia and by continuing to work together to curb criminal activities, in all their forms, including by militia elements, in the border area;

13. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of this resolution including, in particular, with regard to progress towards achievement of the milestones in the Mandate Implementation Plan, and to submit a report within six months of the date of adoption of this resolution and every six months thereafter;

14. *Decides* to remain actively seized of the matter.